

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

Bail Appl..No. 5351 of 2007()

CRIME NO. 2/2006 OF BADIADKA EXCISE RANGE

PETITIONER/ACCUSED:

SANTHA, AGED 22 YEARS,
W/O. KUMARAN, R/AT PAYYANKUNNAM,
KUTTIKOL VILLAGE, KASARAGOD.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REP. BY INSPECTOR OF POLICE, BADIADKA EXCISE RANGE
REP. BY THE PUBLIC PROSECUTOR, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10/09/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J
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B.A.No.5351 of 2007
= = = = =

Dated this the 10th day of September, 2007

ORDER

Application for anticipatory bail. The petitioner was allegedly found to be in possession of 3 litres of arrack on 29.01.06. The petitioner could not be arrested as there was no woman official in the detecting party. Final report has been filed. Committal proceedings is registered. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. Anticipatory bail may be granted to the petitioner , it is prayed.

2. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that there are no circumstances justifying the invocation of extraordinary equitable discretion under Section 438 Cr.P.C. Final report have been filed. Committal proceedings have already been registered. There is no merit in the prayer for anticipatory bail now, submits the learned Public Prosecutor.

3. I find merit in the opposition by the learned Public Prosecutor. This is a fit case where the petitioner must resort to the ordinary and normal course of appearing before the learned

Magistrate having jurisdiction. She must then seek regular bail in the normal and ordinary course.

4. In the result, this petition is dismissed. I may however, hasten to observe that if the petitioner appears before the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously- on the date of surrender itself.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE